



ARCHER & GREINER, P.C.  
ATTORNEYS AT LAW

ALEXANDER NEMIROFF  
Also Member of Pennsylvania,  
Maryland, New York, Washington D.C.  
and Virginia Bar

ONE CENTENNIAL SQUARE  
HADDONFIELD, NJ 08033-0968  
856-795-2121  
FAX 856-795-0574

Email Address:  
anemiroff@archerlaw.com

Direct Dial:  
(856) 354-3053

www.archerlaw.com

February 29, 2008

VIA TELEFAX

The Honorable Loretta A. Preska  
United States Courthouse  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1320  
New York, NY 10007

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
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RE: John Croce v. America Hears, Inc., Henry C. Smith, and Robert Howard  
Docket No. 07-cv-8747

Dear Judge Preska:

In accordance with Your Honor's Order dated February 11, 2008 with regard to the above-captioned matter, please be advised that the parties are in productive discussions regarding settlement and have a reasonable expectation that this matter will be resolved in the very near future.

If you have any questions or require additional information, please do not hesitate to contact me.

*counsel shall inform the  
Court by letter of the status  
of the action no later  
than March 25, 2008*  
SO ORDERED

Respectfully submitted,

ARCHER & GREINER  
A Professional Corporation

*Alexander Nemiroff*  
Alexander Nemiroff

Loretta A. Preska

AN/df UNITED STATES DISTRICT JUDGE

cc: Sandra C. McCallion, Esquire (via telefax)

*March 3, 2008*

PRINCETON OFFICE  
700 Alexander Park  
Suite 102  
Princeton, NJ 08540  
P 609-494-3700  
F 609-480-0051

FLUSHING OFFICE  
Plaza One  
1 State Route 12, Suite 201  
Flushing, NY 11322-1722  
P 908-788-9700  
F 908-788-7854

PHILADELPHIA OFFICE  
One South Broad Street  
Suite 1600  
Philadelphia, PA 19107  
P 215-963-3300  
F 215-963-9999

WILMINGTON OFFICE  
300 Delaware Avenue  
Suite 1370  
Wilmington, DE 19801  
P 302-777-4350  
F 302-777-4352

NEW YORK OFFICE  
2 Penn Plaza  
Suite 1500  
New York, NY 10121  
P 212-292-4989  
F 212-629-4368